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MAKSIM ZAITSEV

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAKSIM ZAITSEV,

Defendant.

Case No. CR 2:25-cr-00154-SPG

**MAKSIM ZAITSEV'S *EX PARTE*
APPLICATION TO FILE UNDER
SEAL OPPOSITION TO
GOVERNMENT'S MOTION *IN*
LIMINE NO. 5; DECLARATION OF
COUNSEL; EXHIBITS A-D**

Trial Date: May 20, 2025

Hearing Date: May 7, 2025 at 9:30 a.m.

Maxim Zaitsev, by and through his counsel of record, hereby applies *ex parte* to file under seal the Opposition to the Government's Motion *in Limine* No. 5; Declaration of Counsel; and Exhibits A to D.

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MEMORANDUM OF POINTS AND AUTHORITIES

This Court has plenary supervisory power to seal documents under appropriate circumstances. *See United States v. Msann*, 829 F.2d 849, 853 (9th Cir. 1987); *In re Sealed Affidavit(s) to Search Warrants*, 600 F.2d 1256, 1257 (9th Cir. 1979); C.D. Cal. Local Rules, 79-5 (party may request court to seal filed document). Although there is a strong presumption of public access to court records, this presumption may be overcome where there is a likelihood of improper use of the material, including use for scandalous or libelous purposes, or where public access would infringe on privacy or fair trial rights. *Valley Broadcasting Co. v. United States Dist. Ct.*, 798 F.2d 1289, 1294 (9th Cir. 1986); *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). To determine whether the presumption of access is overcome, courts should balance the likelihood of inappropriate use with the public's interest in understanding the judicial process. *Valley Broadcasting*, 798 F.2d at 1294. A court should consider all relevant factors, and "base its decision on a compelling reason and articulate the factual basis for its ruling, without relying on hypothesis or conjecture." *Hagestad*, 49 F.3d at 1434.

The concurrently filed Opposition to the Government's Motion *in Limine* No. 5; Declaration of Counsel; and Exhibits A to D include, cite to, and/or rely heavily on documents that the government produced to defense counsel pursuant to the Court's previously filed Protective Order (Dkt. 76.). Pursuant to the Court's Order, a filing of such materials must be made under seal. (*Id.*) The attached declaration is submitted in support of this motion.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: May 6, 2025

By /s/ Shannon Coit

Shannon Coit
Ryan Shelley
Deputy Federal Public Defenders
Attorney for Maksim Zaitsev

DECLARATION OF COUNSEL

I, Shannon Coit, declare:

1. I am a Deputy Federal Public Defender for the Federal Public Defender's Office, and counsel of record, for Maksim Zaitsev. I submit this declaration in support of this *ex parte* application.

2. On May 1 2025, the Court entered a Protective Order Regarding Information From Personnel Files. (ECF No. 76.)

3. The concurrently filed Opposition to the Government's Motion *In Limine* No. 5; Declaration of Counsel; and Exhibits A to D include, cite to, and/or rely heavily on documents that the government produced to defense counsel pursuant to the Court's previously filed Protective Order.

4. Pursuant to the Court's Order, a filing of such materials must be made under seal. (*Id.*) Thus, the defense is requesting these documents be filed under seal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 6, 2025 at Los Angeles, California.

/s/ Shannon Coit

Shannon Coit